

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEPHEN L. CROWE, JR.,

Plaintiff,

v.

Case No. 17-cv-594-pp

PATRICK MELMAN, PETE STIEFVATER,
SGT. KMECHECK, SGT. REIMER,
MR. PROPHETER, AND SGT. KOBUS

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED
WITHOUT PREPAYMENT OF THE FILING FEE (DKT. NO. 2) AND
DISMISSING CASE WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE**

When the court received the plaintiff's complaint on April 26, 2017, he was incarcerated. Dkt. No. 1. On August 31, 2017, the court granted the plaintiff's motion for extension of time until November 1, 2017 to pay the initial partial filing fee. Dkt. No. 16 at 2. The court ordered that if the plaintiff failed to pay the initial partial filing fee by November 1, 2017, it would deny his motion for leave to proceed without prepayment of the filing fee and require him to pay the full civil case filing fee of \$400. Id. at 3. On the same date it issued that order (August 31, 2017), the court denied the plaintiff's motion to add defendants, and directed him to file an amended complaint by November 1, 2017, if he wanted to do so. Id.

On October 13, 2017, the court's August 31, 2017 order, which had been mailed to the plaintiff, was returned as undeliverable. According to the

plaintiff's state supervising officer, the plaintiff now resides at a street address in Mt. Horeb, Wisconsin. On October 13, 2017, court staff mailed a copy of the August 31, 2017 order to that address.

The plaintiff himself has not notified the court of any new address and, assuming he received the mail the court sent to the Mt. Horeb address, has not responded to the court's August 31, 2017 order. The court concludes that the plaintiff no longer wants to prosecute this case. The Local Rules state in relevant part:

(c) Dismissal for Lack of Diligence. Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action and Civil L. R. 41(a) or (b) does not apply, the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.

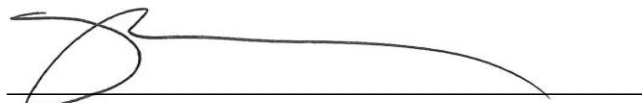
Civil L.R. 41(c) (E.D. Wis.). The court will dismiss this case without prejudice.

The court **DENIES** the plaintiff's motion for leave to proceed without prepayment of the filing fee. Dkt. No. 2

The court **DISMISSES** this case without prejudice for failure to prosecute.

Dated in Milwaukee, Wisconsin this 8th day of November, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge